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RL:0339

SB 1588 RELATING TO LAND USE

Statement for
Senate Committee on
Economic Development
Public Hearing, 27 February 1979

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SB 1588 proposes certain amendments to HRS Section 205-6 relating to special permits for unusual but reasonable land uses in the agricultural and rural districts. This statement on the bill does not reflect an institutional position of the University.

At present the Land Use Commission must approve all special permits for the use of land in the agricultural and rural districts that are not in accord with the designation of the land. With the amendment prepared in SB 1588, the approval of the Land Use Commission would be necessary only in the case of special permits for uses of land of more than 15 acres. There is need for reform of the special permit system, but what is proposed would further reduce the effectiveness of the State Land Use law.

The bill contains no standards as to what uses are reasonable in the agricultural or rural district, although unusual in the light of the intent of placement of land in those districts. At the very least there should be some legislatively imposed standards under which a single administrative body (the county planning commission) may permit an unusual use. Alternatively, special permits for small land areas might be made subject the legislative approval of the county councils, although this would not involve the state-wide interest that the Land Use Commission is expected to provide. If the intent of the bill is to simplify the permit procedure in the case of trivial departures from usual land use, its application should be limited to land areas of much less than 15 acres. Even if Land Use Commission approval were not required in this case, it would be well if the Commission could, if it chose, disapprove the permits.

We call to the attention of this committee the fact that State environmental impact statements are not usually required for actions in agricultural and rural districts requiring special permits, and hence its mechanisms for bringing to light the significant environmental detriments of actions requiring such permits are not normally used.